

**FILED**

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

JUL 18 2019

CLERK, U.S. BANKRUPTCY COURT  
WEST DIST. OF PENNSYLVANIA

In re: : Case No.: 19-20243-GLT  
: Chapter: 13  
Robert R Kaniuff :  
: Date: 7/17/2019  
Debtor(s). : Time: 10:30

**PROCEEDING MEMO**

***MATTER:***

#49 - Motion to Vacate Order Denying and Dismissing Claim No. 4 [Dkt. No. 36], filed by GreatAmerica  
Financial Services Corporation  
#51 - Response by Debtor

***APPEARANCES:***

Debtor: Lawrence W. Willis  
Trustee: Owen Katz  
GAF: Lydia Gorba

***NOTES:***

Gorba: The Court's order sustaining the debtor's objection to claim of Great America was entered on the basis of the certificate of no objection. However, debtor's counsel was aware that Great America did in fact object.

Court: No objection was actually filed.

Gorba: That is correct. Debtor's counsel admits that he did not properly serve the objection to claim, as it was sent to the incorrect address. Debtor's counsel also actively avoided our attempts to reach him about the objection. The dates and deadlines in the objection also do not match up. Even if we were provided notice when the debtor claims we were, it was still an inadequate amount of time. Great America tries diligently to work out objections without incurring legal expenses, which was frustrated by counsel's refusal to communicate.

Court: What is the basis for finding that there is a personal guarantee?

Gorba: The unconditional guarantee at the bottom of page one of the attachment to the proof of claim.

Court: There is no such attachment to the proof of claim.

Willis: I have seen it, but I think it may have been attached in an email. I attempted multiple times to talk to the creditor. Even so, I am under no obligation to contact creditor corporations. I was never contacted by opposing counsel. We attached proof of service showing that they were served on April 10. We filed the CNO because there was no objection on the docket.

***OUTCOME:***

1. The Motion to Vacate [Dkt. No. 49] is granted. The Court's Default Order granting Objection to Claim [Dkt. No. 36] is vacated (O/E).
2. On or before August 2, 2019, Great America shall file a response to the debtor's claim objection. A hearing on the objection and any response shall be held on September 11, 2019 at 9:00 a.m. (Text order to issue).

**DATED:** 7/17/2019